

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

THE NEW YORK TIMES COMPANY

Plaintiff,

v.

MICROSOFT CORPORATION, OPENAI, INC.,
OPENAI LP, OPENAI GP, LLC, OPENAI, LLC,
OPENAI OPCO LLC, OPENAI GLOBAL LLC,
OAI CORPORATION, LLC, and OPENAI
HOLDINGS, LLC,

Defendants.

Civil Action No. 1:23-cv-11195-SHS

JURY TRIAL DEMANDED

**PLAINTIFF’S NOTICE OF SUPPLEMENTAL AUTHORITY IN SUPPORT OF
OPPOSITION TO MOTION TO COMPEL (DKT. 125)**

Plaintiff The New York Times Company (“The Times”), by and through counsel, respectfully submits this Notice of Supplemental Authority to apprise the Court of a recent order that further supports Plaintiff’s Letter Response in Opposition to OpenAI Defendants’ pending Letter Motion to Compel (Dkt. 125).

On August 8, 2024, the Court in *Tremblay v. OpenAI, Inc.*, No. 23-cv-03223 (N.D. Cal.), granted the plaintiffs’ motion for relief from the Magistrate Judge’s order granting the defendants’ request to compel OpenAI account information, prompts, and outputs for plaintiffs’ testing of ChatGPT in connection with their pre-suit investigation. *See* Order Granting Plaintiffs’ Motion for Relief from Discovery Order, *Tremblay*, No. 23-cv-03223, Dkt. 167 (attached hereto as Exhibit A). Specifically, the Court denied defendants’ request to compel production of all negative testing results and the documentation of the testing process. *Id.* at 5. As OpenAI Defendants admitted, this is “nearly identical” to their pending request to compel production in this action, Dkt. 124, and

the *Tremblay* Court's Order overrules the decision filed by OpenAI Defendants in their Notice of Supplemental Authority at Dkt. 149.

Dated: August 9, 2024

Respectfully Submitted,

By: /s/Ian Crosby

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